

THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

**JAMES ETHEREDGE**

:

**Plaintiff**

:

**v.**

:

**3:11-CV-2330**

**(JUDGE MARIANI)**

**M.L. HENRY, et al.,**

:

**Defendants**

:

**ORDER**

AND NOW, THIS 6TH DAY OF JANUARY 2014, upon consideration of Defendants' Motion to Dismiss Amended Complaint (Doc. 41) and all accompanying briefs, **IT IS** **HEREBY ORDERED THAT:**

1. Defendants' Motion to Dismiss Amended Complaint (Doc. 41) is **GRANTED IN**

**PART AND DENIED IN PART.**

a. Plaintiff's gender-based Equal Protection claim is **DISMISSED WITH**

**PREJUDICE.**

b. All facts arising before March 2008 in support of Plaintiff's sole remaining

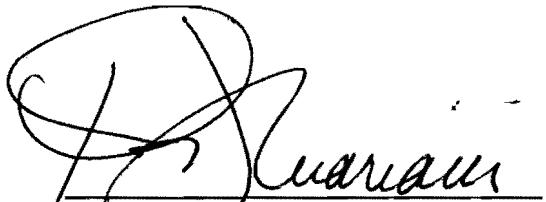
claim of an Equal Protection violation based on his sexual orientation are

**DISMISSED WITH PREJUDICE.**

i. Accordingly, Defendants' motion to dismiss Plaintiff's Equal Protection

claim based on sexual orientation is **DENIED WITHOUT PREJUDICE.**

c. Additionally, Defendants' motion to dismiss for lack of personal involvement is  
**DENIED WITHOUT PREJUDICE.**



Robert D. Mariani  
United States District Judge